

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAVID L. HAWK

Plaintiff,

vs.

NEW JERSEY INSTITUTE OF

TECHNOLOGY, ROBERT A.

ALTENKIRCH and DONALD H.

SEBASTIAN

Defendants.

CONFIDENTIAL

Civil Action No. 2:10-cv-06140-FSH-PS

PLEASE TAKE NOTE that the Motion Day
for this matter is August 15, 2011.

Motion

Plaintiff by his undersigned counsel respectfully moves this Court for an Order vacating the Court's Order of judgment entered against Plaintiff on 06/14/2011 (Docket No. 78) and for the following additional relief:

that so much of Defendants' Motion to Dismiss (Docket No. 38) as asks the Court to abstain under the *Younger* doctrine or to stay the proceedings in this matter be DENIED; and

that the Orders (Docket Nos. 68, 72, and 76) entered 05/23/2011, 06/02/2011, and 06/08/2011, respectively, by Magistrate Judge Schwartz be vacated pursuant to Fed.R.Civ.Pro. 72(a); and

that Plaintiff's informal application (Docket No. 69) for leave to file a reply brief to the opposition to Plaintiff's motion for reconsideration of Magistrate Judge Shwartz's Order entered 04/19/2011 (Docket No. 50) be GRANTED and that Plaintiff shall have leave to file his reply brief by not later than the third day following entry of the Court's Order on this Motion; and

that Plaintiff be granted leave to serve upon Defendants, not later than _____ days after entry of the Court's Order on this Motion, Interrogatories and document production requests for any nonprivileged matter that is relevant to any claim set forth in Plaintiff's Second Amended Complaint, subject only to the limitations imposed by Rule 26(b)(2)(C); and

that a consolidated evidentiary hearing, with oral argument, be held before the Court on Defendant's Motion to Dismiss and on Plaintiff's Motion for Interlocutory Relief; and

that Plaintiff be instructed to initiate a conference call to chambers, with Defendants' counsel, at _____ . m. on _____ and that the purpose and result of such conference call shall be for the Court to hear from counsel regarding scheduling the evidentiary hearing and oral argument ordered by the Court on Plaintiff's Motion for Interlocutory Relief, which shall occur not later than -----
----; and

that in the event that Defendants' Motion to Dismiss is denied the Court will enter a revised case management order for all applicable deadlines going forward.

In support of his Motion Plaintiff relies upon Fed.R.Civ.Pro. 52(a) (2) and the argument made in his Brief in Support of this Motion.

Dated: July 12, 2011

/s/Andrew Bondarowicz
Andrew Bondarowicz
Bondarowicz and Associates
125 Elm Street
Westfield, NJ 07090
908.456.8882

Attorney for Plaintiff, David L. Hawk